

Appln. No. 10/719,247  
Amendment dated November 14, 2005  
Reply to Office Action mailed July 14, 2005

**Amendments to the Drawings**

The attached sheets of drawings includes changes to Figs 1, 2, and 9. These sheets, which include Figs. 1, 2, and 9, replace the original sheet including Figs. 1, 2, and 9.

Attachment: Three Replacement Sheets

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### REMARKS

Reconsideration is respectfully requested.

Claims 1 and 4 through 27 remain in this application. Claims 2 and 3 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### Paragraph 1 of the Office Action

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

#### Paragraphs 2 through 4 of the Office Action

The drawings have been objected to.

Submitted with this Amendment is applicant's proposed amendment of the drawing.

Specifically, with respect to paragraphs 2 and 3, the reference numbers "10" and "20" have been removed from the specification, and reference numbers "21" and "22" have been added to Figure 1.

With respect to paragraph 4, the first and second portions of the housing are shown in Figure 1, which shows the generator and motor assemblies in the interiors of the respective first and second portions of the housing. The control assembly shown in Figure 9 is submitted to show the relationship of the claims as amended. Figure 1 is also submitted to show

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the stator assembly coupled to the first portion of the housing. The pair of magnetic drive wheels of claim 17 is shown in Figure 2.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

**Paragraph 5 of the Office Action**

Claim 10 has been objected to for the informalities noted in the Office Action.

Claim 10 has been amended in a manner believed to clarify any informalities in the language.

Withdrawal of the objection to claim 10 is therefore respectfully requested.

**Paragraphs 6 and 7 of the Office Action**

Claims 1 through 27 have been rejected under 35 U.S.C. §112 (first paragraph) as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

The specification has been objected to as "not clear as to how the system will be controlled or how the current will be induced or what will drive the controller...". It is stated in the specification of the present application at page 6, lines 24 et seq. that (emphasis added):

The electric generator assembly 60 includes a current output for supplying electrical current. The control assembly 63 is operationally coupled between the electric generator assembly 60 and the electric motor assembly 20. The control assembly 63 provides a control current to the electric motor assembly 20 for controlling a speed of rotation induced into the shaft member 65 by the electric motor assembly 20.

It is further stated in the specification at page 8, lines 13 et seq. that

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(emphasis added):

Each one of the plurality of coil members 56 is wrapped around an associated one of the plurality of horse shoe shaped rare earth magnets 52. Each one of the plurality of coil member 56 is operationally coupled to the control assembly 63.

It is still further explained at page 10, lines 17 et seq. that (emphasis added):

In use, the electric motor assembly is started by the application of an external current, or by physically inducing rotation of the magnetic drive wheels. This initial rotation causes the shaft member to rotate, which in turn rotates a generator magnet assembly past a plurality of generator coils generating electricity. At least a portion of the current generated is routed to the control assembly, modified and routed back to the plurality of coil members of the electric motor assembly. This current feedback can be used to increase or decrease the magnetic flux between the magnetic assemblies and the horse shoe shaped rare earth magnets changing the speed of rotation of the magnetic drive wheels.

In view of the above statements, as well as the rest of the disclosure, that one of ordinary skill in the art would understand that there are a number of means apparent to one of ordinary skill in the art for controlling the amount of current that passes from the generator assembly through the control assembly to the generator assembly. As pointed out in the first quote above, the control of the current is merely used to control the speed of the rotation of the electric motor assembly.

Withdrawal of the §112 (first paragraph) rejection of claims 1 through 27 is respectfully requested.

**Paragraph 8 and 9 of the Office Action**

Claims 1 through 27 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

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More specifically, claim 1 has been amended to recite "a control assembly coupled to said electric generator assembly and said electric motor assembly for receiving a signal passing from said electric generator assembly to said electric motor assembly" to further clarify that the claim language does not refer to a physical relationship but a signal relationship.

Claim 1 has further been amended to recite "said control assembly providing a control current to said electric motor assembly for controlling a speed of rotation of said shaft member produced by said electric motor assembly" to further clarify that the control current to the electric motor assembly controls the speed of rotation of the electric motor assembly which in turn produces a rotation of the shaft member.

Further, the amendment of claim 2 is submitted to clarify that the magnetic drive wheel is a part of the flywheel, and thus it could be said that the magnetic drive wheel is the flywheel assembly.

Withdrawal of the §112 rejection of claims 1 through 27 is therefore respectfully requested.

**Paragraphs 10 through 13 of the Office Action**

Claims 1 and 2 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Roesel, Jr. in view of Greene.

Claims 3, 4, 6, 7, and 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Roesel and Greene, and further in view of Rose, Jr.

Claim 9 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Roesel, Greene, and Rose, Jr. further in view of Muszynski.

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Claim 1, particularly as amended, requires:

said electric motor assembly comprising:

a stator assembly operationally coupled to said first portion of said housing, said stator assembly having a plurality of magnetic members, said stator assembly being operationally coupled to said control assembly; and a rotor assembly positioned within said first portion of said housing, said rotor assembly being operationally coupled to said shaft member and comprising at least one fly wheel assembly, each said fly wheel assembly having at least one magnetic drive wheel with a plurality of magnetic assemblies dispersed in a linear array along a perimeter side wall of said at least one magnetic drive wheel assembly, and said at least one magnetic drive wheel assembly being operationally coupled to said shaft member whereby rotation of said magnetic drive wheel causes said shaft member to rotate

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Roesel, Greene, Rose, Jr, and Muszynski set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1.

Withdrawal of the §103(a) rejections of claims 1, 4, and 6 through 9 is therefore respectfully requested.

**Paragraph 14 of the Office Action:**

Claims 19 through 27 have been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the Office Action. The above amendments to claim 19, in view of the remarks made above, are submitted to overcome the §112 rejections of claim 19 and therefore claims 19 through 27 are submitted to be in condition for allowance.

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**Paragraph 15 of the Office Action:**

Paragraph 15 of the Office Action states that claims 5 and 10 through 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the Office Action, and if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claims 1, 2, and 3 (in their original form) into the recitation of claim 10, and therefore claim 10 is believed to be in condition for allowance. Claims 11 through 15, by virtue of their dependency from amended claim 10, are also submitted to be in condition for allowance.

The above amendment incorporates the limitations of claims 1, 2, and 3 (in their original form) into the recitation of claim 18, and therefore claim 10 is believed to be in condition for allowance.

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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